



COPY OF PAPERS
ORIGINALLY FILED

Express Mail No. EL 477 036 930 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tsipouras *et al.*

Serial No.: 10/091,360

Group Art Unit: 1637

Filed: March 4, 2002

Examiner: To be assigned

For: METHOD AND APPARATUS FOR
COMPUTER CONTROLLED RARE
CELL, INCLUDING FETAL CELL,
BASED DIAGNOSIS

Attorney Docket No.: 9952-042-999

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to the references listed on the attached revised form PTO 1449. Under 37 C.F.R. § 1,98(d), copies of references AA-AZ have not been submitted because the references were supplied in Application Serial No. 09/421,956, filed October 20, 1999, which this application claims priority under 35 U.S.C. § 120.

Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art." As an

alternative, Applicants submit herewith a "revised form PTO 1449" entitled "List of References Cited" instead of "List of Prior Art Cited."

Since this Disclosure Statement is being submitted before an Office Action has been received on its merit, no fee is believed due. If a fee is deemed necessary, please charge all required fees to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this sheet is enclosed.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

Respectfully submitted,

St K Fukuda
STEVEN K FUKUDA (REG NO 44,690)

Date June 17, 2002

31,232
Geraldine F. Baldwin (Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711

(212) 790-9090

Enclosures

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.

9952-042-999

APPLICATION NO.

10/091,360

APPLICANT

Tsipouras et al.

FILING DATE

March 4, 2002

GROUP

1637

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|----|-----------------|----------|------------------|-------|----------|-------------------------------|
| | AA | 6,136,540 | 10/24/00 | Tsipouras et al. | | | |
| | AB | 5,889,881 | 03/30/99 | MacAulay et al. | | | |
| | AC | 5,740,269 | 04/14/98 | Oh et al. | | | |
| | AD | 5,352,613 | 10/04/94 | Tafas et al. | | | |
| | AE | 4,983,044 | 01/08/91 | Schweber | | | |
| | AF | 4,513,438 | 04/23/85 | Graham et al. | | | |
| | AG | 6,151,405 | 11/21/00 | Douglass et al. | | | |
| | AH | 6,215,892 B1 | 04/10/01 | Douglas et al. | | | |

FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
|--|----|-----------------|----------|---------|-------|----------|-------------|----|
| | | | | | | | YES | NO |
| | AI | WO 99/58972 | 11/18/99 | PCT | | | | |
| | AJ | WO 99/08091 | 02/18/99 | PCT | | | | |
| | AK | WO 99/02960 | 01/21/99 | PCT | | | | |
| | AL | WO 97/43732 | 11/20/97 | PCT | | | | |
| | AM | WO 97/20198 | 06/07/97 | PCT | | | | |
| | AN | WO 94/02646 | 02/03/94 | PCT | | | | |
| | AO | WO 93/18186 | 09/16/93 | PCT | | | | |
| | AP | EP 0 713 086 B1 | 04/14/99 | EPO | | | | |
| | AQ | EP 0 595 506 | 05/04/94 | EPO | | | | |
| | | | | | | | | |

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

| | | |
|--|----|---|
| | AR | Baxes, 1994, "Digital Image Processing, Passage", U.S., New York, Wiley, pp.127-137 |
| | AS | Lizardi et al., 1998, "Mutation Detection and Single-Molecule Counting Using Isothermal Rolling-circle Amplification", Nature Genetics, 19(3):225-232 |
| | AT | Mesker et al., 1994, "Detection of Immunocytochemically Stained Rare Events Using Image Analysis", Cytotechnology 17:209-215 |
| | AU | Oosterwijk et al., 1998, "Strategies for Rare-Event Detection: An Approach for Automated Fetal Cell Detection in Maternal Blood", Am. J. Hum. Genet. 63:1783-1792 |
| | AV | Oosterwijk et al., 1998, "Development of a Preparation and Staining Method for Fetal Erythroblasts in Maternal Blood: Simultaneous Immunocytochemical Staining and FISH Analysis", Cytometry 32:170-177 |
| | AW | Oosterwijk et al., 1998, "Fetal Cell Detection in Maternal Blood: A Study in 236 Samples Using Erythroblast Morphology, DAB and HbF Staining, and FISH Analysis", Cytometry 32:178-185 |

| | | |
|--|----|---|
| | AX | Tanke et al., 1996, "Detection of Rare Event" Fetal Erythroblasts in Maternal Blood Using Automated Microscopy", Early Human Development. 47 Suppl.:S89-S93 |
| | AY | Verwoerd et al., 1987, "Somatic Cell Mutations in Humans Detected by Image Analysis of Immunofluorescently Stained Erythrocytes", in: <u>Clinical Cytometry and Histometry</u> , Burger et al., eds., Academic Press, pp. 465-469 |
| | AZ | "XL VISION Announces Advanced Imaging Technology For Early Detection of Metastatic Cancer", Press Release dated December 18, 1995. XL VISION, Sebastian, FL, pp. 7-11. |

| | |
|--|-----------------|
| EXAMINER | DATE CONSIDERED |
| <p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> | |

**COPY OF PAPERS
ORIGINALLY FILED**